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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,512	02/07/2002	Cathleen M. Arsenault	57418US002	2889
32692 7	590 07/25/2003			
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER	
			NICOLAS, FREDERICK C	
			ART UNIT	PAPER NUMBER
			3754	<b>ユ</b>
			DATE MAILED: 07/25/2003	U

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application (Application)   ARSENAULT ET AL.			101					
Examiner  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address →  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Exercisions of time may be evaluable under the problems of 3 CFR 1.738(a), in no event, however, may a reply be limitly filed  - If the period for reply is evaluable under the problems of 3 CFR 1.738(b), in no event, however, may a reply be limitly filed  - If the period for reply is expected adverve, the mentionus distority period will apply and valid legies SIX (6) MXNTHS from the realing date of this communication of the reply is expected adverve, the mentionus distority period will apply and valid legies SIX (6) MXNTHS from the realing date of this communication, even if timely filed, may reduce a my considered timely.  - Any reply received by the Office lister than there mentions after the mailing date of the communication, even if timely filed, may reduce a my considered timely.  - Any reply received by the Office lister than there mentions after the mailing date of the communication, even if timely filed, may reduce a my considered timely.  - Any reply received by the Office lister than there mentions after the mailing date of the communication, even if timely filed, may reduce a my considered timely.  - Any reply received by the Office lister than there mentions after the mailing date of the communication, even if timely filed, may reduce a my considered to my considered timely.  - This action is FINAL 2b)@ This action is non-final.  - This action is FINAL 2b)@ This action is non-final.  - This action is final.  - This action is final This action is a mail and the mail and	٠.	Application No.	Applicant(s)					
Frederick C. Nicolas   3754		10/072,512	ARSENAULT ET AL.					
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Exercised in time reply a sealible under the processors of 2 FRT 1.13(6). In no event, however, may a reply be timely filled to the property of the processor of 2 FRT 1.13(6). In no event, however, may a reply be timely filled to the processor of the processor of 2 FRT 1.13(6). In no event, however, may a reply be timely filled to the processor of the processor of 2 FRT 1.13(6).  Fill the period for reply specified above is less than thinty (30) days, and processor of the period of this communication.  Fill the period for reply specified above is less than thinty (30) days, with the considered timely.  Fill the period for reply specified above is less than thinty (30) days, with the considered timely.  Fill the period for reply specified above is less than the processor of the processor of the processor of the period of this communication.  Fill the period of the communication of the period of the period of the communication.  Fill the period of the pe	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time range is available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely find  - Extension of time range is available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely find  - Extensions of time range is available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely find  - Extension of time range is available under the provisions of 37 CFR 1.136(b). In order, however, may a reply be timely find  - Extension of time range is available under the provision of the statute in the provision of the statute of the communication of this young of the communication of the provision of Claims  - Any sely received by the Office the than three members after the multiple gate of the communication, even it immery find, may reduce any considerable term adjustment. See 37 CFR 1.704(b).  - Status  - Status  - Any sely received by the Office than three members after the multiple gate of the communication, even it immery find, may reduce any considerable term adjustment. See 37 CFR 1.704(b).  - Status  - Status  - Any sely received by the Office than three members are selected any coordance with the practice under Exparte Quayle, 1935 c.D. 11, 453 O.G. 213.  - Status  - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 c.D. 11, 453 O.G. 213.  - Since this against the multiple gate of the provision of the formal provision of the final provision of Claims  - Since this against the multiple gate of the provision of the formal provision of the provision of the formal provis		Frederick C. Nicolas	3754					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 3 or £1 x136(). In or event, however, may a reply be timely filed Extensions of time may be available under the provision of 3 or £1 x136(). In or event, however, may a reply be timely filed  Extensions of time may be available under the provision of 3 or £1 x136(). In or event, however, may a reply be timely filed  If the period for reply sepolate above is less than filting (00) days, a reply whith the provision of the period for reply will, by advantage of the period for reply will, by advantage of the period		ears on the cover sheet wi	th the correspondence address					
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-15 is/are pending in the application.  4a) Of the above claim(s)	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a re y within the statutory minimum of thirt vill apply and will expire SIX (6) MON , cause the application to become AB	pply be timely filed  (30) days will be considered timely.  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).					
3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-15 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) is/are allowed.  6   Claim(s) 1-9 and 12-15 is/are rejected.  7   Claim(s) 10 and 11 is/are objected to.  8   Claim(s) 1-9 and 12-15 is/are rejected.  7   Claim(s) 1-9 and 12-15 is/are rejected.  7   Claim(s) 1-9 and 12-15 is/are rejected.  8   Claim(s) 1-9 and 11 is/are objected to.  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on 07 February 2002 is/are: a  accepted or b  objected to by the Examiner.  Application Papers  9   The proposed drawing correction filed on is:a  approved b  disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All   b    Some * c  None of:  1   Certified copies of the priority documents have been received in Application No  3   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)   The translation of the foreign language provisional application has been received.  15   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)   Interview Summary (PTO-413) Paper No(s)  9   Notice of References Cited (PTO-820)  10   Notice of Reference	1) Responsive to communication(s) filed on <u>07 F</u>	ebruary 2002						
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are allowed.  7) ☒ Claim(s) are subject to rejected.  7) ☒ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) ☒ The drawing(s) filed on is/are all accepted or b) ☒ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: all approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 ☑ Notice of References Cited (PTO-892)  20 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  5 ☐ Notice of Informal Patent Application (PTO-152)	closed in accordance with the practice under							
5)  Claim(s) is/are allowed. 6)  Claim(s) is/are allowed. 7)  Claim(s) are subject to restriction and/or election requirement. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers 9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on or rebruary _2002 is/are: a) accepted or b)  objected to by the Examiner.	4) Claim(s) 1-15 is/are pending in the application	1.						
6)  Claim(s) 1-9 and 12-15 is/are rejected.  7)  Claim(s) 10 and 11 is/are objected to.  8)  Claim(s) 10 and 11 is/are objected to.  8)  Claim(s) 10 and 11 is/are objected to.  8)  Claim(s) 10 and 11 is/are objected to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 07 February 2002 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)    Interview Summary (PTO-413) Paper No(s)  20  Notice of Paftsperson's Patent Drawing Review (PTO-948)	4a) Of the above claim(s) is/are withdraw	wn from consideration.						
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8	6)⊠ Claim(s) <u>1-9 and 12-15</u> is/are rejected.							
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**DETAILED ACTION** 

**Drawings** 

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter in claim 2, lines 11-13, "a third position intermediate the first and second positions, in which no liquid can flow between the main chamber and the dosing chamber, and no liquid can escape from the dosing chamber", the claimed subject matter in claim 8, lines 1-2, "wherein the device further includes a spring for biasing the shuttle toward the first position", as well as the claimed subject matter in claim 11, lines 1-2, "the dosing device in combination with a carrier tray" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3-5,7,9,12-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ngoc-Xang TRAN (FR 1496857).

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Ngoc-Xang Tran discloses a unitary dosing device (1 and 10) for a liquid as seen in Figure 1, which comprises a main chamber see Figure 1 for location, (note: the main chamber is the upper area within element 10), where the main chamber is sized to hold more than one dose of the liquid as seen in Figure 1 and it is inherent that the main chamber of Ngoc-Xang Tran is sized to hold more than one dose of the liquid in as much as the applicant's claimed invention, a dosing chamber 2 is sized to hold one dose of the liquid, in fluidic communication with the main chamber, an unbiased shuttle 5 is adapted for movement between a first position in which the liquid can flow between the main chamber and the dosing chamber, but not out of the device as seen in Figure 1, and a second position in which the shuttle is depressed and seals the dosing chamber from the main chamber, and permits the liquid to exit the device as seen in Figure 2.

The device shown by Ngoc-Xang Tran will perform the method recited in claim 15 during normal operational use of the device.

4. Claims 1,3-5,7,9-10,12-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen 2,864,538.

Rasmussen discloses a unitary dosing device 16 for a liquid as seen in Figure 1, which comprises a main chamber as seen in Figure 1, where the main chamber is sized to hold more than one dose of the liquid as seen in Figure 1 and it is inherent that the main chamber of Rasmussen is sized to hold more than one dose of the liquid in as much as the applicant's claimed invention, a dosing chamber 26 is sized to hold one dose of the liquid, in fluidic communication with the main chamber, a shuttle 36 is

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adapted for movement between a first position in which the liquid can flow between the main chamber and the dosing chamber, but not out of the device as seen in Figure 2, and a second position in which the shuttle is depressed and seals the dosing chamber from the main chamber, and permits the liquid to exit the device as seen in Figure 3.

The device shown by Rasmussen will perform the method recited in claim 15 during normal operational use of the device.

5. Claims 1-2,4-5,7,9,12-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pritchett 4,807,785.

Pritchett discloses a unitary dosing device 2 for a liquid as seen in Figure 1, which comprises a main chamber is sized to hold more than one dose of the liquid (col. 2, II. 36-44), a dosing chamber is sized to hold one dose of the liquid, in fluidic communication with the main chamber (col. 2, II. 36-44), a shuttle 7 is adapted for movement between a first position in which the liquid can flow between the main chamber and the dosing chamber, but not out of the device as seen in Figure 2, and a second position in which the shuttle is depressed and seals the dosing chamber from the main chamber, and permits the liquid to exit the device as seen in Figure 4, (note: the upper portion of the shuttle 9 is being depressed into the dosing chamber as seen in Figure 4), a third position intermediate the first and second positions, in which no liquid can flow between the main chamber and the dosing chamber, and no liquid can escape from the dosing chamber (col. 2, II. 45-54) and as seen in Figure 3.

The device shown by Pritchett will perform the method recited in claim 15 during normal operational use of the device.

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6. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Aperlo 3,738,543.

Aperlo discloses in a dosing device 11 having a dosing chamber 22, a removable volumetric spacer 56 that, when placed in the dosing chamber, reduces the volume available for a liquid within that dosing chamber (col. 6, II. 24-32).

### Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen 2,864,538 in view of Aperlo 3,738,543.

Rasmussen has all the features of the claimed invention except that the device includes a volumetric spacer within the dosing chamber. Aperlo teaches the use of a volumetric device 56 within a dosing chamber 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Aperlo's volumetric spacer within Rasmussen's dosing chamber as such, in order to allow the dispensing of a lesser, preselected amount of liquid, as taught by Aperlo (col. 6, II. 29-32).

9. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ngoc-Xang TRAN (FR 1496857) in view of Aperlo 3,738,543.

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Ngoc-Xang TRAN (FR 1496857) has all the features of the claimed invention except that the device includes a volumetric spacer within the dosing chamber. Aperlo teaches the use of a volumetric device 56 within a dosing chamber 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Aperlo's volumetric spacer within the dosing chamber of Ngoc-Xang TRAN as such, in order to allow the dispensing of a lesser, preselected amount of liquid, as taught by Aperlo (col. 6, II. 29-32).

10. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchett 4,807,785 in view of Aperlo 3,738,543.

Pritchett has all the features of the claimed invention except that the device includes a volumetric spacer within the dosing chamber. Aperlo teaches the use of a volumetric device 56 within a dosing chamber 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Aperlo's volumetric spacer within Pritchett's dosing chamber as such, in order to allow the dispensing of a lesser, preselected amount of liquid, as taught by Aperlo (col. 6, II. 29-32).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchett 4,807,785 in view of Ludwig 2,366,343.

Pritchett has all the features of the claimed invention except that the device further includes a spring for biasing the shuttle toward the first position. Ludwig shows a unitary dosing device 1 for a liquid, a shuttle 7 is adapted for movement, a spring 14 for biasing the shuttle toward the first position (col. 2, II. 38-53).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Ludwig's spring around Pritchett' shuttle as such, in order to urge the entire plunger assembly in an upward direction, as taught by Ludwig (col. 2, II. 49-51).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen 2,864,538 in view of Ludwig 2,366,343.

Rasmussen has all the features of the claimed invention except that the device further includes a spring for biasing the shuttle toward the first position. Ludwig shows a unitary dosing device 1 for a liquid, a shuttle 7 is adapted for movement, a spring 14 for biasing the shuttle toward the first position (col. 2, II. 38-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Ludwig's spring around Rasmussen's shuttle as such, in order to urge the entire plunger assembly in an upward direction, as taught by Ludwig (col. 2, II. 49-51).

### Allowable Subject Matter

13. Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Franz 2,679,347, Hogan 295,009, Titus 1,565,686, Pasnik 1,698,732, Rasmussen 2,980,302, Olson 2,603,397, Romyns 2,532,787, Bering

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2,902,250, Booth 3,076,581, Schwartzman 3,658,216, Bigelow 23,008, Reeve 1,525,828, Pasnik 1,698,732, Finney 2,067,523, Christensen et al. 2,248,958 and Qian et al. 5,826,748 disclose other types of dosing device.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9302 and for after final communication (703)-872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0861.

FN July 17, 2003

Gene Mancene Supervisory Patent Examiner

Group 3700